

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #4	CCRB Case #: 201500117	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 01/01/2015 4:20 AM	Location of Incident: [REDACTED]	Precinct: 47	18 Mo. SOL 7/1/2016	EO SOL 7/1/2016	
Date/Time CV Reported Thu, 01/01/2015 5:13 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 01/07/2015 11:04 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Matthew Escudero	26192	948333	047 PCT
2. SGT David Monzon	01503	939062	047 PCT
3. INS Ruel Stephenson	00000	916748	047 PCT
4. LT Michael Raso	00000	933235	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Jesse Turner	00000	937931	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Matthew Escudero	Force: At § 87(2)(b) [REDACTED] in the Bronx, PO Matthew Escudero used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.INS Ruel Stephenson	Force: At § 87(2)(b) [REDACTED] in the Bronx, Inspector Ruel Stephenson used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C.LT Michael Raso	Force: At § 87(2)(b) [REDACTED] in the Bronx, Lt. Michael Raso used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D.SGT David Monzon	Force: At § 87(2)(b) [REDACTED] in the Bronx, Sgt. David Monzon used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
E.POM Matthew Escudero	Abuse: At the 47th Precinct stationhouse, PO Matthew Escudero did not obtain medical treatment for § 87(2)(b) [REDACTED]	[REDACTED]
F.POM Matthew Escudero	Force: At the 47th Precinct stationhouse, PO Matthew Escudero used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

### Case Summary

On January 1, 2015, Sgt. John Joyce of the 47<sup>th</sup> Precinct filed this complaint with IAB via telephone on behalf of an injured prisoner, § 87(2)(b). On January 7, 2015, the complaint was forwarded to the CCRB via IAB log #2015-0071.

At approximately 4:20 a.m. on January 1, 2015, § 87(2)(b) was stopped by PO Matthew Escudero and Ins. Ruel Stephenson outside of § 87(2)(b) a club located at § 87(2)(b) in the Bronx. The officers suspected § 87(2)(b) of carrying a weapon. They brought § 87(2)(b) to the ground and placed him in handcuffs. PO Escudero and Ins. Stephenson were assisted at that time by Lt. Michael Raso and Sgt. David Monzon. § 87(2)(b) alleged that these officers repeatedly stomped on his head during the struggle (**Allegations A, B, C and D**).

§ 87(2)(b) was transported to the 47<sup>th</sup> Precinct stationhouse and placed in a holding cell. A search conducted incident to arrest at the stationhouse found that § 87(2)(b) was carrying cocaine on his person. § 87(2)(b) asked PO Escudero for medical attention at that time, but PO Escudero ignored the request (**Allegation E**). Later, PO Escudero and § 87(2)(b) got into an argument about whether § 87(2)(b) could continue wearing his jacket while in the holding cell. PO Escudero then entered § 87(2)(b)'s holding cell and threw him once again to the ground.

§ 87(2)(b) was held at the stationhouse for several hours. He was then transported to Bronx Central Booking. There, § 87(2)(b)'s escorting officers were told that they would have to take him to the hospital before he could be admitted. § 87(2)(b) was taken to § 87(2)(b) Hospital, where he was treated for bruising to his face and hands. He was ultimately charged with criminal possession of a weapon and controlled substances.

### Mediation, Civil and Criminal Histories

§ 87(2)(b)'s complaint is ineligible for mediation. He did not file a notice of claim with regards to this incident. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

### Attempts to Obtain Video and Identify Witnesses

- In order to obtain potential video footage, four calls were placed and two please call letters were mailed to the § 87(2)(b) club. Messages were left on each call and none of the letters was returned by the US Postal Service. As no response was yielded, the field team went in-person to § 87(2)(b) to deliver a subpoena for video footage. None of the individuals that the field team spoke to at the establishment witnessed the incident. Furthermore, § 87(2)(b), the owner of § 87(2)(b) stated that video footage from the front of the club was no longer available, and that neither he nor any other employees were made aware of the incident until after § 87(2)(b) was taken into custody. As such, none of them witnessed any of the allegations.
- While at § 87(2)(b) the field team left canvassing letters at the businesses adjacent to and across the street from the club. Three business owners from the block (§ 87(2)(b) § 87(2)(b), and a female identified only as § 87(2)(b) responded to these canvassing letters. All three stated that their businesses were closed at the time of the incident and that they did not have video footage of the incident.

### **Civilian and Officer CCRB Histories**

- This is the first complaint that § 87(2)(b) has filed with the CCRB (See Board Review: Civilian CCRB History).
- PO Escudero has been a member of the service for five years, and there are no substantiated CCRB allegations against him. Two prior force allegations against him were closed as exonerated. He has never been the subject of a refusal to provide medical attention allegation.
- Ins. Stephenson has been a member of the service for nineteen years, and there is one substantiated CCRB allegation against him. In case #200101696, a refusal to process civilian complaint allegation was substantiated. He received a command discipline. Two prior force allegations against him were closed as unsubstantiated.
- Lt. Raso has been a member of the service for eleven years and there are four substantiated CCRB allegations against him.
  - In case #200801117, stop and gunpoint allegations were substantiated against him. He received instructions.
  - In case #200902991, a vehicle stop allegation was substantiated against him. He received instructions.
  - In case #201106779, a vehicle stop allegation was substantiated against him. He received no disciplinary action.
  - Lt. Raso has been the subject of ten physical force allegations. None of them have been substantiated against him.

### **Findings and Recommendations**

#### **Allegations Not Pleaded**

- § 87(2)(b) was stopped on suspicion of carrying a firearm. The officers consistently stated that they had been informed by two females that a male matching § 87(2)(b)'s description had displayed a firearm to them inside of § 87(2)(b). Since § 87(2)(b) was eventually arrested and charged with criminal possession of a weapon (specifically a firearm), a stop allegation has not been pleaded in regards.

**Allegation A: Force - At § 87(2)(b) in the Bronx, PO Matthew Escudero used physical force against § 87(2)(b)**

**Allegation B: Force - At § 87(2)(b) in the Bronx, Ins. Ruel Stephenson used physical force against § 87(2)(b)**

**Allegation C: Force - At § 87(2)(b) in the Bronx, Lt. Michael Raso used physical force against § 87(2)(b)**

**Allegation D: Force - At § 87(2)(b) in the Bronx, Sgt. David Monzon used physical force against § 87(2)(b)**

It is undisputed that § 87(2)(b) fell to the ground after PO Escudero approached him and asked for his identification. It is also undisputed that officers held § 87(2)(b) down and pulled his arms behind his back for handcuffing.

§ 87(2)(b) was interviewed at the CCRB on February 20, 2015. He also answered several follow-up questions on March 12, 2015 (See Board Review: § 87(2)(b)'s Statements). § 87(2)(b) stated that he was intoxicated at the time of the incident. He alleged that PO Escudero pushed him directly to the ground, causing abrasions to his temples. He further alleged that once he was on the ground, several additional officers stomped on his head, causing bruising and further abrasions to his forehead. He denied offering any kind of resistance or making any movements

either before he was taken to the ground, or after. § 87(2)(b) denied carrying a weapon at the time of this arrest.

PO Escudero was interviewed at the CCRB on May 21, 2015. Ins. Stephenson was interviewed on June 3, 2015. Lt. Raso was interviewed on June 4, 2015. Sgt. Monzon was interviewed on April 29, 2015 (See Board Review: MOS Statements). Both Lt. Raso and Sgt. Monzon denied being present when § 87(2)(b) was taken to the ground. PO Escudero and Ins. Stephenson stated that once § 87(2)(b) was approached, he resisted PO Escudero's effort to stop him by pulling his body away and flailing his arms. Both stated that § 87(2)(b) ended up on the ground afterwards. While PO Escudero did not recall if § 87(2)(b) fell or was pushed to the ground, Ins. Stephenson stated that § 87(2)(b) was intentionally brought down.

All four officers stated that once on the ground, § 87(2)(b) resisted them by holding both of his hands underneath his chest. They overcame this resistance by pulling on his arms. All four officers denied stepping or stomping on § 87(2)(b) during the arrest. Each stated that a firearm was recovered from § 87(2)(b) during the arrest. The firearm was documented in § 87(2)(b)'s property vouchers (See Board Review: NYPD Documents – Property Voucher).

PO Escudero, Ins. Stephenson and Sgt. Monzon did not recall observing any injuries to § 87(2)(b). Lt. Raso recalled seeing abrasions on § 87(2)(b)'s hands, but denied seeing any other injuries. All four officers stated that Ins. Stephenson suffered a laceration to his forehead during the struggle, but none of them, Ins. Stephenson included, recalled how he sustained the injury. Ins. Stephenson denied seeking medical attention for the injury, or filling out any paperwork for it.

§ 87(2)(b)'s medical records indicate that he sustained bruising to his face, hands and wrists, and abrasions on his right wrist. He did not suffer any fractures or broken bones. § 87(2)(b) indicated to the hospital staff that the injuries were sustained while at the 47<sup>th</sup> Precinct stationhouse, rather than during his arrest.

§ 87(2)(b), § 87(2)(g)  
[REDACTED]

§ 87(2)(b), § 87(2)(g)  
[REDACTED]

§ 87(2)(b), § 87(2)(g)  
[REDACTED]

§ 87(2)(b), § 87(2)(g)

NYPD Patrol Guide procedure 203-11 states that officers may use limited force in order to subdue a resisting suspect (See Board Review: Legal Reference).

§ 87(2)(b), § 87(2)(g)

**Allegation E: Abuse of Authority - At the 47<sup>th</sup> Precinct stationhouse, PO Matthew Escudero did not obtain medical treatment for § 87(2)(b)**

§ 87(2)(b) alleged that once he was lodged in a holding cell at the 47<sup>th</sup> Precinct stationhouse, he asked PO Escudero directly for medical attention. PO Escudero made no response. During his sworn statement, § 87(2)(b) stated that one other prisoner was with him at the time. When answering follow-up questions, however, he stated that there were not any prisoners present until after he was thrown to the ground. He then waited at the stationhouse for several hours before being taken to Central Booking. When § 87(2)(b) asked the medical personnel at Central Booking for treatment, he was sent to § 87(2)(b) Hospital, where he was given painkillers.

PO Escudero and the other officers denied that § 87(2)(b) complained of injuries or requested medical attention at any point. Neither PO Escudero nor Ins. Stephenson was aware that § 87(2)(b) was subsequently hospitalized after going to Central Booking. Lt. Raso and Sgt. Monzon were aware of the hospitalization, but did not know why he was hospitalized. None of the officers were aware of any other prisoners staying in the holding cells with § 87(2)(b). They explained that § 87(2)(b) was held at the stationhouse for several hours after his arrest because, per standard procedure, he was interviewed about his firearm by the precinct's Detective Squad. The 47<sup>th</sup> Precinct prisoner holding pen roster indicates that § 87(2)(b) was the only prisoner in the holding cells for approximately four hours after his arrest (See Board Review: NYPD Documents – Prisoner Holding Pen Roster).

The investigation was able to identify the next prisoner to be placed in the holding cell with § 87(2)(b). This prisoner, § 87(2)(b) provided a telephone statement on February 23, 2015 (See Board Review – § 87(2)(b) Statement). § 87(2)(b) stated that § 87(2)(b) had several bruises on his face, which he attributed to a prior beating. § 87(2)(b) did not specify to § 87(2)(b) whether he was referring to allegations occurring during his arrest, or at the stationhouse. Despite these injuries, § 87(2)(b) denied that § 87(2)(b) requested medical attention from anybody during the period that they were being held together.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation F: Force - At the 47<sup>th</sup> Precinct stationhouse, PO Matthew Escudero used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that an unspecified amount of time after he was lodged in the holding cells, PO Escudero entered his holding cell. He then threw § 87(2)(b) to the ground and pushed his face into a puddle of urine on the floor. § 87(2)(b) did not allege any injuries related to this force. As with the previous allegation, § 87(2)(b) initially alleged that another prisoner was with him at the time, but later stated that he was alone in the holding cell. In his medical records, § 87(2)(b) had alleged that the injuries to his face and wrist resulted from the force in the holding cell, rather than from his arrest. § 87(2)(b) denied seeing any force used against § 87(2)(b) while they were in the holding cell together.

All of the officers denied that any further force was used against § 87(2)(b) once he was in custody. PO Escudero denied entering into § 87(2)(b)'s holding cell or throwing him to the ground. None of the officers recalled any disturbances involving § 87(2)(b) after his arrest, and none were aware of any puddles of urine on the holding cell floor at the time of the allegation.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Team: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date